

**OPENING STATEMENT OF
THE HONORABLE PETER A DEFazio, RANKING MEMBER
HEARING ON “IMPACTS OF THE PROPOSED WATERS OF THE UNITED STATES RULE
ON STATES AND LOCAL GOVERNMENTS”
FEBRUARY 4, 2015**

Here we are again with what I believe is the eighth hearing before a House Committee on this Clean Water rulemaking.

We have heard literally hours of testimony and listened to close to a hundred witnesses on this issue, including, seven visits by representatives of the administration on this proposal.

In my view, the Clean Water Act must accomplish two goals. First, it must protect our nation’s water quality – that would seem obvious.

But it must also serve to protect our nation’s economy by being predictable and workable for those in the regulated community that must deal with the Clean Water Act on a daily basis.

It is clear to me that the current approach created by the Bush administration fails on both counts.

First, today’s regulatory structure is not adequately protective of Clean Water resources, and we are seeing evidence that water quality is not

improving and wetland and habitat protection is diminishing around the nation.

Second, the existing 2003 and 2008 guidance documents simply do not work. They are confusing, overly narrow, costly, and have been characterized by industry as a “hodgepodge of ad hoc and inconsistent jurisdictional theories.”

In fact, the only point of agreement between much of the regulated community and groups such as Ducks Unlimited and the National Wildlife Federation is on this point – that the existing guidance is totally inadequate.

So where are we? Well, last Congress, House Republican leadership pushed through legislation that would have blocked this administration from ever replacing the 2003 and 2008 guidance. The current “hodgepodge of ad hoc and inconsistent jurisdictional theories” would have become permanent under that approach.

Since that time, the administration has received approximately 900,000 public comments on this Clean Water rulemaking, has conducted over 400 outreach meetings with stakeholders in every corner of the country,

and has convened a formal Local Government Advisory Committee to hear from local elected and appointed officials around the country.

The administration has also worked with EPA's science advisory board to release a peer-reviewed synopsis of over 1,200 peer-reviewed journals on the science behind protecting clean water.

The formal comment period for this proposal was over seven months, and I can only imagine that the Corps and EPA have heard many of the same concerns that I have heard on their 2014 Clean Water proposal.

I agree that the initial draft of this Clean Water rulemaking was somewhat garbled and confusing. That is a fair criticism, and one that the agencies must address before they issue their final rule.

However, we do need new guidance.

We need additional clarity on what waters should be protected, we need to make sure that this proposal protects both our short-term and long-term local economies, and it must be done in accordance with the science of protecting our rivers and streams.

At the same time, we need to make sure that the agencies:

- Conduct this rulemaking in a completely transparent fashion – by posting comments submitted on the proposed rule and meeting with stakeholders;
- Ensure that the final rule is guided by the science and by the law, and does not expand Federal authority over waters never-before covered by the Act; and
- Move quickly, so confusion and uncertainty become a thing of the past.

Today, the agency heads will say that they are listening, and that they are planning to modify their Clean Water rulemaking to work both for the protection of water as well as the protection of our economy.

I hope they are right, and I believe they deserve the chance to show us that they have listened and are listening to the concerns express by industry.

If they have, then we can move away from the uncertainty and frustration of the Bush guidance, and get back to protecting water

quality with regulatory certainty and without undue delay and bureaucracy.

If they fail, we will have ample opportunity to let them know and to make the changes necessary to achieve these goals.